UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,630	07/19/2001	Yakov Kamen	ISURFTV146	9979

52940 7590 03/20/2007 TODD S. PARKHURST HOLLAND & KNIGHT LLP 131 S. DEARBORN STREET 30TH FLOOR CHICAGO, IL 60603	**EXAMINER** CASCHERA, ANTONIO A

ART UNIT	PAPER NUMBER
2628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/909,630</td><td>Applicant(s)
KAMEN, YAKOV</td><td></td></tr>
<tr><td>Examiner
Antonio A. Caschera</td><td>Art Unit
2628</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 January 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-7,11-17 and 21-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3-7,11,13-17,21 and 23-27</u> is/are rejected.

7)☒ Claim(s) <u>2,12 and 22</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>31 December 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Priority

1.   Acknowledgment is made of Applicant's claim for priority under 35 U.S.C. 119(e).

Oath/Declaration

2.   The oath or declaration is defective. A new oath or declaration in compliance with 37

CFR 1.67(a) identifying this application by application number and filing date is required. See

MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The filing date of provisional application claimed benefit from is incorrect as the filing date

should read, "October 19, 2000," (see page 2 of Declaration).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 4, 11, 14, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Yasukawa et al. (U.S. Patent 7,047,550 B1) in view of Lee et al. (U.S. Patent 6,463,428

B1).

In reference to claims 1, 11 and 21, Yasukawa et al. discloses a system and method for

processing program information efficiently (see column 1, lines 7-9). Yasukawa et al. discloses

an embodiment of the invention wherein an EPG is displayed and a cell within the EPG is

selected by a user (see column 22, lines 55-66, column 23, lines 4-6 and #109 of Figure 19).

Yasukawa et al. discloses, in this embodiment, overlaying plural programming information over

one another, for a specific time slot and user classification (see column 22, lines 55-60 and #102,

103 and 109 of Figure 19). Although Yasukawa et al. discloses allowing the user to multi-click

the object or cell (#109) and for each click by the user, changing the program information

display item 109 with the multiple programming information (see column 23, lines 4-6 and 18-

24 and text caption of Figure 19, "when going on clicking..."), Yasukawa et al. does not

explicitly disclose progressively modifying a non-textual attribute associated with the object.

Lee et al. discloses a user interface for querying and displaying records from a database and

explicitly from EPGs (see column 1, lines 60-62 and column 2, lines 13-36). Lee et al. discloses

the invention used in conjunction with a computer that is connected to a TV or monitor (see

columns 6-7, lines 58-18 and #230, 240 of Figure 1). Lee et al. also discloses allowing a user to

use the tool to search/display via a rotational element that comprises of "beads," with each

"bead" having an associated string accompanied thereto (see column 8, lines 28-56 and #150,

110, 115 and "Movies" bead of Figure 4). Lee et al. explicitly discloses that the user is capable

of navigating to a desired string by selecting it using the vertical cursor keys of a remote control

(see #212, 232 of Figure 2), which modifies the display of the UI to create the effect of rolling

the beads up or down on each key press, bringing a new bead and string into the "selected,"

middle region (see column 8, lines 28-56 #150, 110, 115 and "Movies" bead of Figure 4). Lee et

al. further discloses changing the bolding, color or highlighting of the string when the bead is in

the "selected," middle state (see column 8, lines 30-39). Note, as can be seen from Figure 4, the

bead size is changed as the bead gets closer to the centered, "selected" position. Each of these

sized bead levels or positions are seen as "progressive change[s]" in a visible characteristic of the

attribute, with the attribute interpreted as the size of the bead and the object interpreted as the

"rolling" UI or #150 of Figure 4 of Lee et al.. Lastly, with regards to Applicant's changing of

the attribute at least two times in a common direction limitation, the Office interprets that Lee et

al. inherently discloses such features with regards to the user interface tool of Figure 4 since the

user is capable of "rolling" the beads up/down (common direction) and "rolling" the beads at

least more than two positions or levels in either direction. It would have been obvious to one of

ordinary skill in the art to implement the user interface searching/displaying tools of Lee et al.

with the EPG processing techniques of Yasukawa et al. in order to address various problems with

user interaction with database search devices in the "lean-back" environment (where the user is

being entertained and relaxes as when the user is watching television), thereby creating a more

user-friendly and visually appealing system by better visualizing large amounts of information

making it easier and faster for a user to access (see column 1, lines 14-18, 42-49 and column 2,

lines 8-22). Note, in reference to claim 11, the Office interprets that the computing system of

Yasukawa et al. inherently provides some sort of "units" for selecting displayed content

including selecting the EPG object (via a mouse, for example) and further interprets Lee et al. to

disclose some sort of hardware or software "units" comprised within the computer (see #240 of

Figure 1) for performing the above mentioned object modification/displaying techniques. Also,

in reference to claim 21, the Office interprets Yasukawa et al. to inherently disclose some type of

machine-readable medium executing instructions to perform the above displaying and modifying

of EPG objects especially since Yasukawa et al. discloses the system functioning in a

client/server environment (see Figure 48), or a computing environment, which inherently

comprise such elements. Further, Lee et al. explicitly discloses the computer comprising of a

mass storage device or hard drive for storing program applications (see column 7, lines 11-14).

In reference to claims 4, 14 and 24 Yasukawa et al. and Lee et al. disclose all of the claim

limitations as applied to claims 1, 11 and 24 respectively above. Lee et al. explicitly discloses

that the user is capable of navigating to a desired string by selecting it using the vertical cursor

keys of the remote control (see #212, 232 of Figure 2), which modifies the display of the UI to

create the effect of rolling the beads up or down on each key press, bringing a new bead and

string into the "selected" region (see column 8, lines 28-56 #150, 110, 115 and "Movies" bead of

Figure 4). Note, as can be seen from Figure 4, the bead size is changed as the bead gets closer to

the centered, "selected" position, thereby creating a progressive change in depth of the bead.

4.   Claims 3, 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yasukawa et al. (U.S. Patent 7,047,550 B1), Lee et al. (U.S. Patent 6,463,428 B1) and further in

view of Bedard (U.S. Patent 5,793,438).

In reference to claims 3, 13 and 23 Yasukawa et al. and Lee et al. disclose all of the claim

limitations as applied to claims 1, 11 and 21 respectively above. Although Lee et al. discloses

modifying a 3D position attribute of the object, neither Lee et al. nor Yasukawa et al. explicitly

disclose modifying the shape of the EPG object. Bedard discloses an Electronic Program Guide

which presents program guide information in table form at different levels of resolution (see

lines 1-3 of abstract). Bedard discloses the EPG to comprise of a first table showing channel

names, times and program content represented as square (see #502), sometimes shaded (#504),

objects (see Figure 5 of Bedard). Bedard also discloses a magnified table (#510) overlaid over

base table (#502) which magnifies the program content object and turns the square into a

rectangle with text to describe the program information (see Figure 5). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to implement the

program information object shape changing of Bedard with the user interface

searching/displaying tools of Lee et al. and EPG processing techniques of Yasukawa et al. in

order to maximize the display of EPG data while meeting the limitations of the television

screen's resolution (see column 2, lines 15-19 of Bedard).

5.   Claims 5-7, 15-17 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Yasukawa et al. (U.S. Patent 7,047,550 B1), Lee et al. (U.S. Patent 6,463,428 B1) and

further in view of Wilcox et al. (U.S. Patent 6,678,891 B1).

In reference to claims 5, 15 and 25, Yasukawa et al. and Lee et al. disclose all of the

claim limitations as applied to claims 1, 11 and 21 respectively above. Neither Yasukawa et al.

nor Lee et al. explicitly disclose overwriting the attribute with a default attribute when an

expiration value limit is reached. Wilcox et al. discloses a collection of on-screen interface

components arranged in combination to provide an easy to use computer interface (see column 2,

lines 22-25). Wilcox et al. discloses an overview of the execution of the user interface which

includes detecting if a user has depressed a key and if not noting a "timeout" situation and

performing certain processing in turn (see column 17, lines 60-63, columns 18-19, lines 60-3,

column 19, lines 21-25 and Figures 124 and 125). The "expiration value" of Applicant's claims

is seen as functionally equivalent to a certain time value inherently disclosed in the "time out" of

Wilcox et al. Note that Wilcox et al. marks the entire video buffer as dirty (see Figure 125) necessitating a buffer refresh of data which inherently comprises of modified data (see column 19, lines 24-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the interface processing of Wilcox et al. with the user interface searching/displaying tools of Lee et al. and EPG processing techniques of Yasukawa et al. in order to properly handle user input in an interface by detecting user activity and displaying or not displaying certain data, creating an intuitive interface (see column 2, lines 5-7 and column 18, lines 50-54 of Wilcox et al.).

In reference to claims 6, 16 and 26, Yasukawa et al., Lee et al. and Wilcox et al. disclose all of the claim limitations as applied to claims 5, 15 and 25 respectively above. Wilcox et al. discloses an overview of the execution of the user interface which includes detecting if a user has depressed a key and if not noting a "timeout" situation and performing certain processing in turn (see column 17, lines 60-63, columns 18-19, lines 60-3, column 19, lines 21-25 and Figures 124 and 125). The "expiration value" of Applicant's claims is seen as functionally equivalent to a certain time value inherently disclosed in the "time out" of Wilcox et al.

In reference to claims 7, 17 and 27, Yasukawa et al., Lee et al. and Wilcox et al. disclose all of the claim limitations as applied to claims 5, 15 and 25 respectively above. Wilcox et al. also discloses a menu interface element which is arranged in a circular form (see column 12, lines 41-60 and #114 of Figure 5). The Office believes that the "circular form" menu of Wilcox et al. inherently returns to a default or first menu item when the user has scrolled through all of the when items or the max number of menu items.

Allowable Subject Matter

6.   Claims 2, 12 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7.   The cancellation of claims 8-10, 18-20 and 28-30 is noted.

8.   Applicant's arguments with respect to claims 1-7, 11-17 and 21-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 (Central Fax)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

aac

/A-C **Antonio Caschera**

3/14/07   Patent Examiner

KEE M. TUNG
SUPERVISORY PATENT EXAMINER